

05-R-0819

**A SUBSTITUTE RESOLUTION BY
TRANSPORTATION COMMITTEE**

A SUBSTITUTE RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE AN AMENDATORY AGREEMENT WITH DELTA AIR LINES, INC. ("DELTA") COVERING THE PERMANENT SURRENDER TO THE CITY OF APPROXIMATELY 32.093 ACRES OF LAND LEASED TO DELTA BY THE CITY UNDER THE AMENDED AND RESTATED LEASE AGREEMENT, DATED DECEMBER 1, 1989, FOR DELTA'S TECHNICAL OPERATIONS CENTER AND CENTRAL TERMINAL SUPPORT AREA AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") and Delta Air Lines, Inc. ("Delta") are parties to an Amended and Restated Lease Agreement, dated December 1, 1989, and subsequent amendments thereto ("TOC/CTSA Lease"), pursuant to which the City leases to Delta certain land and improvements at the Hartsfield-Jackson Atlanta International Airport ("H-JAIA"), which Delta uses for its Technical Operations Center ("TOC") and Central Terminal Support Area ("CTSA") and other purposes; and

WHEREAS, the City has undertaken the design and construction of the Maynard Holbrook Jackson Jr. International Terminal ("MHJIT") and related aircraft ramp, entrance roadway, and vehicle parking facilities, to improve service to international airlines and their passengers at H-JAIA; and

WHEREAS, the City also requires the use of land proximate to the MHJIT development site and has determined that Tracts 5 and 6 of the Delta TOC/CTSA leased premises provide a strategic infrastructure source to support construction and operation of the MHJIT; and

WHEREAS, Delta is ready and willing to permanently surrender the approximately 32.093 acres of land comprising Tracts 5 and 6 as more particularly depicted on a drawing attached hereto as Exhibit A; and

WHEREAS, the City requires the use of certain portions of the Delta TOC/CTSA leased premises to support construction and operation of the MHJIT and the City is willing to amend Delta's indemnification obligations set forth in the TOC/CTSA Lease in connection with the use of Delta's TOC/CTSA leased premises by the City, its contractors or employees; and

WHEREAS, the City and Delta desire and intend to enter into an agreement amending the TOC/CTSA Lease and to memorialize the surrender of Tracts 5 and 6 and to modify Delta's indemnification obligations set forth in the TOC/CTSA Lease (the "Amendment");

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and is hereby



authorized to execute on behalf of the City of Atlanta an Amendment with Delta Air Lines, Inc., which shall, (1) provide for the surrender by Delta to the City of approximately 32.093 acres of land on a permanent basis from its Leased Premises under the Amended and Restated Lease Agreement for the Technical Operations Center and Central Terminal Support Area at Hartsfield-Jackson Atlanta International Airport; and (2) amend the indemnification provision in Delta's TOC/CTSA Lease.

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby directed to prepare said Amendment, in accordance with the terms and conditions attached hereto as Exhibit B, for execution by the Mayor.

BE IT FINALLY BE RESOLVED, that said Amendment shall not become binding upon the City, and the City shall incur no obligation or liability thereunder until the same has been signed by the Mayor and delivered to Delta.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

June 20, 2005
June 23, 2005

EXHIBIT A

TRACT 6

Area = 959689.2632,
Perimeter = 7890.9646
22.031 acres

TRACT 5

Area = 438303.0998,
Perimeter = 3204.5677
10.062 acres

MAYNARD JACKSON BLVD

NORTH LOOP RD.

NEAST Nlvr

Loop Rd.

Loop Rd.

LAND LOT NO. 11 - 13 LAND DISTRICT

LAND LOT NO. 22 - 13 LAND DISTRICT

LAND LOT NO.11 - 13 LAND DISTRI
LAND LOT NO.22 - 13 LAND DISTRI



EXHIBIT B

1. On January 1, 2006, (the "Surrender Date"), Delta agrees to permanently surrender approximately 32.093 acres of land (hereinafter known as "Tracts 5 and 6") leased to Delta by the City under the Amended and Restated Lease Agreement, dated December 1, 1989, as subsequently amended thereto.
2. Delta shall have the right and is hereby permitted to continue to occupy and use Tracts 5 and 6 until the Surrender Date.
3. On the Surrender Date, the City shall delete permanently from the TOC/CTSA Premises all of approximately 32.093 acres of land as depicted in Exhibit A attached hereto, which premises shall be hereinafter referred to as the "Surrender Premises".
4. Delta shall not remove or cause to be removed any improvements or equipment on the Surrender Premises, nor be entitled to any compensation relating to any improvements and equipments on the Surrender Premises.
5. On and after the Surrender Date, all rental and other related charges, if any, with respect to the Surrender Premises shall cease.

RCS# 6751
6/20/05
3:36 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 4-21 05-R-1086 05-R-1084
 05-O-0972 05-R-1093 05-O-0906 05-R-0905
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	B Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

(Do Not Write Above This Line)

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ADOPTED BY

JUN 2 0 2005

SUBSTITUTE COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee Transportation
Date May 18 2005
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other _____

Committee TRANSPORTATION
Date 6/15/05
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other _____

CERTIFIED

FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐
☒ Consent ☐ V Vote ☒ RC

JUN 2 0 2005

MAJORITY ACTION
MAYOR'S ACTION

Handwritten signature

		6/20/05
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-1075	31. 05-R-1069	55. 05-R-1023
2. 05-O-1076	32. 05-R-1072	56. 05-R-1024
3. 05-O-1078	33. 05-R-0903	57. 05-R-1025
4. 05-O-1101	34. 05-R-1062	58. 05-R-1026
5. 05-O-1102	35. 05-R-1063	59. 05-R-1027
6. 05-O-1103	36. 05-R-1064	60. 05-R-1028
7. 05-O-1089	37. 05-R-1054	61. 05-R-1029
8. 05-O-1099	38. 05-R-1055	62. 05-R-1030
9. 05-O-0904	39. 05-R-1056	63. 05-R-1031
10. 05-O-0910	40. 05-R-1057	64. 05-R-1032
11. 05-O-0911	41. 05-R-1073	65. 05-R-1033
12. 05-O-0912	42. 05-R-1074	66. 05-R-1034
13. 05-O-0916	43. 05-R-1108	67. 05-R-1035
14. 05-O-0968	44. 05-R-1116	68. 05-R-1036
15. 05-O-0976	45. 05-R-1117	69. 05-R-1037
16. 05-O-1080	46. 05-R-0819	70. 05-R-1038
17. 05-O-0981	47. 05-R-1043	71. 05-R-1039
18. 05-O-0982	48. 05-R-1044	72. 05-R-1040
19. 05-O-1085	49. 05-R-1047	73. 05-R-1041
20. 05-O-1104	50. 05-R-1049	74. 05-R-1042
21. 05-O-1105	51. 05-R-1019	
22. 05-O-1106	52. 05-R-1020	
23. 05-O-0960	53. 05-R-1021	
24. 05-O-0961	54. 05-R-1022	
25. 05-R-1060		
26. 05-R-1061		
27. 05-R-1077		
28. 05-R-1098		
29. 05-R-1067		
30. 05-R-1068		